

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**HAVANA MARIA WADE, ON BEHALF OF
HERSELF AND ALL THOSE WHO MAY, IN
THE FUTURE, BE ARRESTED FOR
MISDEMEANOR OFFENSES AND
CONFINED IN THE LEE COUNTY JAIL,**

PLAINTIFF

V.

CAUSE NO. 1:21CV98-DMB-DAS

LEE COUNTY, MISSISSIPPI

DEFENDANT

MOTION OF LEE COUNTY, MISSISSIPPI FOR SUMMARY JUDGMENT

COMES NOW Defendant Lee County, Mississippi, by and through counsel, and moves this Court for summary judgment on all claims against it pursuant to Rule 56 of the Federal Rules of Civil Procedure. In support of the instant Motion for Summary Judgment, Lee County would show unto the Court as follows:

I.

This is a section 1983 case that asserts claims of constitutional violations related to Plaintiff Havana Maria Wade's arrest and conditions of confinement at the Lee County Detention Center ("the jail"). Specifically, Wade asserts the following claims:

Count 1: Conditions of Confinement – Plaintiff alleges that the conditions of the jail were unconstitutional because (A) Plaintiff suffered fear of COVID-19; (B) Plaintiff was not provided a bed or cot; (C) there was no private restroom in the holding cell; (D) there was no shower in the holding cell; (E) Plaintiff's Xanax medication was not administered; (F) there was a constant threat of violence related to interactions and voices between other inmates with one

another and also with the jailors; and (G) the holding cell was overcrowded. Exhibit A, First Amended Complaint [ECF 8], pp. 5-6.

Count II. Unreasonable detainment – Plaintiff alleges that she should have been taken before a judge *immediately*, and that her detainment from Friday afternoon to Monday afternoon was unconstitutional. Exhibit A, First Amended Complaint [ECF 8], pp. 6-8.

Count III. Arrest and Confinement without probable cause – Plaintiff alleges that the arresting deputy was required to investigate the ten-year old felony warrant before arresting Wade and that failure to do so resulted in Wade’s arrest and confinement without probable cause. Exhibit A, First Amended Complaint [ECF 8], pp. 8-9.

II.

Each of these counts should be dismissed as a matter of law. The conditions of confinement for Wade, although unpleasant, did not rise to the level of a constitutional violation. The length of Wade’s detainment, although more than forty-eight (48) hours, likewise does not rise to the level of a constitutional violation. Finally, the arrest and confinement were not without probable cause. Although ten years old, the felony warrant was valid, supported by affidavit, and signed and issued by Judge Rickey Thompson. Accordingly, these claims should be dismissed as a matter of law.

III.

In support of its Motion for Summary Judgment, Lee County relies upon its Memorandum of Authorities filed contemporaneously with the filing of this Motion as well as the following exhibits:

Exhibit A First Amended Complaint;

Exhibit B	Answer and Defenses of Lee County, Mississippi;
Exhibit C	Affidavit of Agent Harper;
Exhibit D	Felony Warrant;
Exhibit E	Deposition of Deputy Chris Donald (excerpts);
Exhibit F	Booking Sheet;
Exhibit G	Deposition of Plaintiff Havana Maria Wade (excerpts);
Exhibit H	Deposition of Captain Ronnie Partlow (excerpts);
Exhibit I	Responses and Objections of Lee County, Mississippi, to Plaintiff's First Set of Interrogatories;
Exhibit J	Color photos from jail;
Exhibit K	Affidavit of Captain Ronnie Partlow;
Exhibit L	Booking Med Log;
Exhibit M	Deposition of David Brooks, M.D. (excerpts);
Exhibit N	Deposition of Agent Kavin Warren (excerpts);
Exhibit O	Waiver of Initial Appearance;
Exhibit P	Inmate Release Report; and
Exhibit Q	Justice Court Dismissal.

WHEREFORE, PREMISES CONSIDERED, Lee County, Mississippi respectfully moves the Court to grant summary judgment and to dismiss all claims against it, with prejudice, as a matter of law.

This, the 6th day of December, 2022.

RESPECTFULLY SUBMITTED,

LEE COUNTY, MISSISSIPPI, Defendant

By: /s/ Margaret Sams Gratz

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CERTIFICATE OF SERVICE

I, Margaret Sams Gratz, attorney for the defendant, hereby certify that I have this day electronically filed the above and foregoing MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the ECF system which sent notification of such filing to counsel who has electronically registered with the Court:

Jim Waide, Esq.
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DATED, this the 6th day of December, 2022.

/s/ Margaret Sams Gratz
MARGARET SAMS GRATZ